



W.P. No.14318/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Pronounced on
12.03.2026	18.03.2026

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**W.P. NO. 14318 OF 2023
AND
W.M.P. NOS. 13830 & 13831 OF 2023**

R.Janarthanan

.. Petitioner

- Vs -

1. The Commissioner
Hindu Religious & Charitable Endowments Dept.
119, Uthamar Gandhi Salai
Nungambakkam, Chennai – 34.
2. Joint Commissioner
Hindu Religious & Charitable Endowments Dept.
Tirupur.
3. Inspector
Hindu Religious & Charitable Endowments Dept.
Palladam.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari to call for the records in Na.Ka. No.5883/2022/A1 dated 01.02.2023 on the file of the 2nd respondent and quash the same as illegal, arbitrary and manifestly erroneous.



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For Petitioner : Mr. V.Raghavachari, SC, for
Mr. Vishnu V.R.

For Respondents : Mr. N.R.R.Arun Natarajan,
Spl. (GP) – HR & CE

ORDER

The order of the 2nd respondent, through which direction was issued to transfer the land in the name of the temple and also for incorporating the name of the temple in the patta for the purpose of leasing out the land for the benefit of the temple is put in issue before this Court through the present petition.

2. The facts leading to the filing of the present writ petition could be briefly summarised thus :-

Sri Varadharajaperumal Temple at Periyavalavadi is an ancient temple which consists of hereditary trusteeship and pujariship. The ancestors of the petitioners and, thereafter, the petitioners have been holding the post of hereditary trusteeship and pujariship since time immemorial. As back as memory could delve in, the ancestors of the petitioners were holding the post of hereditary trusteeship and pujariship of the temple. The family tree of the petitioner and their ancestors is given in the affidavit filed in support of the writ petition.



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3. The lands, which are the subject matter of the present petition, are inam lands, which finds place in the Inam Fair Register of the year 1863 and the said lands were granted Devadhayam inam lands to the temple and recorded in the Inam Fair Register. One Sami Iyer, who is the ancestor of the petitioner, was acting as the hereditary trustee-cum-pujari of the temple till his death in the year 1883. The hereditary trusteeship and pujariship flowed through the family of the ancestors of the petitioner and finally landed at the hands of the petitioner.

4. The temple is situated in S. No.120/A3 in Periyavalavadi which is a natham poramboke and is classified as Temple Poramboke. The temple was endowed with Devadayam inam lands comprised in T.D. No.156 in Perivalavadi village. It is the averment of the petitioner that the income from the abovesaid lands comes to about Rs.750/- per annum and the Settlement Tahsildar granted patta for the said lands in favour of the deity represented by its hereditary trustees, viz., Venkatramana Iyer, Soundaram and Savithiri. By means of a registered document dated 18.08.1958, the legal heirs divided their right to perform pooja. It is the further averment of the petitioner that he has a vested right to perform pooja to the deity and the benefits derived out of the said lands



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are used in the performance of the pooja, while holding the hereditary trusteeship of the temple, as it has been held by the family members of the petitioner time immemorial.

5. It is the further averment of the petitioner that application was filed before the Settlement Tahsildar way back on 26.7.1968 and an order had come to be passed, after examination of oral and documentary evidence and ryotwari patta was granted to the petitioner. The petitioner and their ancestors being the hereditary trustee and also performing pooja of the temple, are entitled to hold the lands and utilise the income generated from the lands for the performance of pooja for the temple on the basis of the ryotwari patta granted to them.

6. It is the further averment of the petitioner that on 29.11.2022, the 3rd respondent had threatened to bring the property, which was granted as inam to the petitioner and his family for auction. Due to the said act, the petitioner approached the police authorities on 22.12.2022 and the District Revenue Officer has passed an order directing removal of the pipelines on the land of the petitioner. It is the further averment of the petitioner that the 1st and 2nd respondents were put on notice and the Commissioner had directed the Joine



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commissioner to enquire into the said allegations and complaints and file a report. However, in the interregnum, the 2nd respondent declared the lands held by the petitioner as inam lands and issued a letter dated 1.2.2023 treating the lands fit for auction for the benefit of the temple against which an appeal was filed before the Joint Commissioner, but no order has been passed on the same till date.

7. It is the further averment of the petitioner that while being so, through letter dated 28.02.2023, the petitioner were called upon to convert the patta in favour of the temple in order to facilitate the auctioning of the lands for the benefit of the temple by way of lease. It is the averment of the petitioner that no one outside the family of the petitioner has ever functioned as poojari or trustee of the temple at any point of time and the two offices in question had always been vested in the family and it was continued through an unbroken line of succession, which is based on documents running over several decades. Therefore, the conclusion of the 2nd respondent that the petitioner has no hereditary right of trusteeship is grossly erroneous. Vide the impugned order, the 2nd respondent had sought for change in the name in the patta from the Late father of the petitioner to that of the temple so as to lease the lands by way of



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public auction, which is beyond the power conferred upon the said authority u/s 54 of the HR & CE Act and, therefore, the impugned order is *ultra vires*. Therefore, left with no other alternative and efficacious remedy, the present writ petition has been filed.

8. Learned senior counsel appearing for the petitioner, in his usual eloquence, submitted that the order passed by the 2nd respondent is manifestly illegal, erroneous and arbitrary and reveals total non-application of mind to the materials.

9. It is the further submission of the learned counsel that when an application is filed u/s 54 of the HR & CE Act, a duty is cast on the authority to recognize the successors as hereditary trustee and not following the said mandate renders the order passed illegal and perverse.

10. It is the further submission of the learned senior counsel that the documents, which have been filed by the petitioners clearly proves that the ancestors of the petitioner have been holding the post of hereditary trusteeship and the same has been carried over very many decades and the family of the



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petitioner alone was holding the post of hereditary trustee and also managing the temple and were discharging the works of poojari in the temple and without recognizing the said facts and the documents on record the respondents have passed the impugned order, which is patently illegal, erroneous and arbitrary.

11. It is the further submission of the learned senior counsel that there is no embargo for holding the post of hereditary trusteeship and poojariship with the very same individual so long as the patta granted in respect of the lands and the amounts generated from the lands are utilized for the benefit of the temple. Therefore, it is the submission of the learned senior counsel that merely because the patta for the lands stands in the name of the hereditary trustee representing the temple, calling upon the hereditary trustees to change the same in the name of the temple is totally uncalled for.

12. It is the further submission of the learned senior counsel that the reason that patta is sought to be changed in the name of the temple is nothing but for the purpose of unjust enrichment and it is therefore an infringement of constitutional right to hold the property as enshrined under Article 300-A of the Constitution.



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13. It is the further submission of the learned senior counsel that the impugned order is a nullity as the order does not fall within the scope and ambit of Section 54 (3) of the HR & CE Act, which is a pre-condition for an appeal to the Commissioner and there is stark violation of principles of natural justice. The impugned order smacks arbitrariness and is devoid of merits and causes immense prejudice to the rights of the petitioner and, therefore, the same deserves interference at the hands of this Court.

14. Per contra, learned standing counsel appearing for the respondents submits that an extent of 10.01.00 Hectares (approximately 24.72 acres) in Periyavalavadi Village are classified as Devadayam Inam lands. It is the further submission of the learned standing counsel that the Settlement Tahsildar had granted ryotwari patta in the name of the deity on 26.7.1968 and not in favour of the individual/petitioner. It is further submitted that even the Survey Resettlement Register of the year 1912 confirms that the land was settled in the name of the temple and recorded as “Service Manyam” or “Service Inam”. Therefore, it is only when the poojari does service for the temple, it could be enjoyed by the poojari for rendering service to the temple.



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15. It is the further submission of the learned standing counsel that the contention on behalf of the petitioner that the lands were given as personal service inam is factually incorrect and even the patta granted in favour of the deity by the Settlement Tahsildar would stand testimony for the same.

16. It is the further submission of the learned standing counsel that based on the complaints received and upon obtaining a report regarding administrative lapses and that the lands settled in favour of the deity were not used for the betterment and upkeep of the temple, the impugned order had come to be passed directing the hereditary trustees to bring the temple lands for public auction so as to ensure that proper revenue is generated for discharging the day to-day activities of the temple and that the said direction is in compliance of Section 34 of the HR & CE Act.

17. It is the further submission of the learned standing counsel that the records with regard to the income generated from out of the lands, which were settled in favour of the temple were not properly maintained and further the petitioner and other trustees refused to implement the public auction and



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continued to claim the temple lands as their own, their action is against the interests of the temple, as the lands were given for performance of service to the temple and to be utilized for the upkeep and maintenance of the temple.

18. It is the further submission of the learned standing counsel that due to the act of the petitioner, in exercise of powers conferred u/s 53 (4) of the HR & CE Act, the hereditary trustees, including the petitioners were temporarily suspended and a Fit Person was appointed to manage the affairs of the temple, including land leasing process. Accordingly, he prays for dismissal of the present petition.

19. In support of the aforesaid submissions, learned standing counsel placed reliance on the decision of the apex Court in ***Idol of Sri Renganathaswamy rep. by its Executive Officer, Joint Commissioner – Vs – P.K.Thoppulan Chettiar, Ramanuja Koodam, & Ors. (2020 (17) SCC 96)***.

20. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.



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21. Before proceeding to analyse the case, certain undisputed facts, which have been pleaded by the petitioner requires to be summarised :-

- i) The ancestors of the petitioner and, thereafter, the petitioner, since 1863 have been acting as the hereditary trustee of the temple;
- ii) Parallely the ancestors of the petitioner and, thereafter, the petitioner, since 1863, have been performing the duty of poojari in the said temple;
- iii) In the year 1968, vide proceedings of the Settlement Tahsildar, Gobichettipalayam, ryotwari patta was granted in respect of the said lands, which are in possession of the petitioner; and
- iv) Vide order dated 19.08.1978, the Deputy Commissioner of HR & CE, in O.A. No.40/1978 had recognized the hereditary trusteeship of the petitioner and their ancestors.



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22. The above facts, which have been pleaded by the petitioner, have not been disputed by the respondents. The impugned order had come to be issued on the ground that the petitioner and through his ancestors claim that they are the hereditary trustee of the said temple, nevertheless claim that they are holding the lands as '*service manyam*', which has since been negated through the aforesaid impugned order holding that the lands belong to the temple and that the said lands are not '*service manyam*'.

23. Therefore, the basic determination which this Court is required to make is whether the said lands is '*service inam*' as provided for under Section 21 of the Tamil Nadu Minor Inams (Abolition & Conversion into Ryotwari) Act, 1963 (for short '*Act, 1963*') so as to enable the petitioner claim that the lands have been granted as '*service manyam*' so as to attract the character of '*service inam*'. For better appreciation, the said provision is quoted hereunder :-

"21. Service inams. - (1) The provisions of this section shall apply in respect of any minor inam which was held immediately before the appointed day by an individual (hereinafter referred to in this section as the service-holder) on condition of rendering service to a religious, educational or charitable institution.



(2) The service-holder shall, subject to the provisions of sub-section (3), be bound to continue to render the service after the appointed day.

(3) (i) Where a service-holder is entitled to a ryotwari patta under section 8 in respect of any land, he shall have the option-

(a) either to pay to the religious institution the amount specified in subsection (4) and on such payment the land shall, notwithstanding anything contained in sub-section (7), be discharged from the condition of the service; or

(b) to hold the land and continue to render service subject to the provisions contained in sub-sections (1), (2), (6) and (7).

(ii) The option referred to in clause (i) shall be twenty times the difference between the fair rent in respect of such land determined in accordance with the provisions contained in the Schedule and the land revenue due on such land.

(5) Where the service-holder has exercised his option to pay the amount specified in sub-section (4), the tasdik allowance referred to in sub-section (6) in respect of the period subsequent to the date of the exercise of such option shall be the absolute property of the institution and the institution shall be at liberty to make such arrangements as it thinks fit for the performance of the service.

(6) (a) For so long as the service-holder renders the service, the institution shall pay to the service-holder the tasdik allowance paid by the Government under section 20.

(b) If the service-holder fails to render the service, the prescribed officer shall, after such inquiry and after such notice



to the service-holder as may be prescribed in this behalf, notify such failure in such manner as may be prescribed. He shall then declare that the tasdik allowance payable to the institution in respect of the period subsequent to the failure shall be the absolute property of the institution and the institution shall be at liberty to make such arrangement as it thinks fit for the performance of the service.

(7) (a) For so long as the service-holder renders the service, he shall be entitled to occupy permanently the lands in respect of which he is entitled to a patta under section 8, subject however, to the payment of the assessment fixed [under section 16 or section 16-A, as the case may be], in respect of such lands.

(b) If the service-holder fails to render the service, the prescribed officer shall, after such inquiry and after such notice to the service-holder as may be prescribed in this behalf, notify such failure in such manner as may be prescribed. He shall then declare that the service-holder's right to occupy permanently the land under clause (a) shall cease and determine, and the institution shall be at liberty to make such arrangement as it thinks fit for the performance of the service and shall be entitled to hold the land as its absolute property subject, however, to the payment of the assessment fixed therefor [under section 16 or section 16-A, as the case may be].

Explanation I. - For the purposes of this section, -

(i) service-holder includes his heirs;



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(ii) non-performance of the service due to illness or other temporary disability shall not be deemed to be failure to render service, provided that the service-holder makes alternative arrangements for rendering the service during the period of such illness or of other temporary disability.

Explanation II. - For the purposes of sub-section (4), "land revenue" means the ryotwari assessment including the additional assessment, water-cess and additional water-cess."

(Emphasis Supplied)

24. From the above provision, it is abundantly clear that in respect of service inams, for the purpose of discharge from the condition of service, either the amount towards the land as specified in sub-section 3 (i) (a) should be paid else the pattadar should continue to hold the land and do service as per the condition prescribed under sub-section 3 (i) (b).

25. From the above, it is visibly clear that only persons doing service to the deity could hold the lands till such time they perform service to the deity and not otherwise. However, what is material to be noted in the present case is that the petitioner, as also their ancestors, claim that they not only acted as poojari, but were also hereditary trustee of the temple. Therefore, the main issue which has to be decided by this Court is whether the very same person could continue both



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as poojari as also the hereditary trustee of a temple and hold the lands with a ryotwari patta.

26. In ***Seshammal and Ors. vs. State of Tamil Nadu (1972 (2) SCC 11)***, the Constitution Bench of the Apex Court had delineated the distinction between trustee and poojari and the position both hold with regard to the deity to which service is performed and in that context, held thus :-

“5. Power to make rules was given to Government by Section 116(2)(xxiii) and it was open to the Government to make rules providing for the qualifications to be possessed by the Officers and servants for appointment to non-hereditary offices in religious institutions, the qualifications to be possessed by hereditary servants for succession to office and the conditions of service of all such officers and servants. Under this rule making power the State Government made the Madras Hindu Religious Institutions (Officers and Servants) Service Rules, 1964. Under these rules an Archaka or Pujari of the deity came under the definition of 'Ulthurai servant'. 'Ulthurai servant' is defined as a servant whose duties relate mainly to the performance of rendering assistance in the performance of pujari, rituals and other services to the deity, the recitation of mantras, vedas, prabandas, thevarams and similar invocations and the performance of duties connected with such performance of recitation. Rule 12 provided that every 'ulthurai servant', whether hereditary or non-hereditary whose duty it is to perform pujari and recite mantras, vedas, prabandams, thevarams and other invocations shall, before succeeding, or appointment to an office,



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obtain a certificate of fitness for performing his office, from the head of an institution, imparting instructions in Agamas and ritualistic matters and recognised by the Commissioner, by general or special order or from the head of a math recognised by the Commissioner, by general or special order, of such other person as may be designated by the Commissioner, from time to time, for the purpose. By this rule the proper worship in the temple was secured whether the Archaka or Pujari was a hereditary Archaka or Pujari or not. Section 107 of the Act emphasized that nothing contained in the Act shall, save as otherwise provided in Section 106 and in Clause 2 of Article 25 of the Constitution, be deemed to confer any power or impose any duty in contravention of the rights conferred on any religious denomination or any section thereof by Article 26 of the Constitution. Section 106 deals with the removal of discrimination in the matter of distribution of prasadam of theertham to the Hindu worshippers. That was a reform in the right direction and there is no challenge to it. The Act as a whole, it is conceded, did not interfere with the religious usages and practices of the temples.”

(Emphasis Supplied)

27. From the above, it is clearly evident that a poojari is a servant of the deity and whose duties relate mainly to the performance of rendering assistance in the performance of pooja, rituals and other services to the deity, the recitation of mantras, vedas, prabandas, thevarams and similar invocations and the performance of duties connected with such performance of recitation. Therefore, such of those persons, who render service to the deity, lands which



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fall under service inams as codified u/s 21 of the Act, are held by such of those poojari while discharging the duties of poojari, but mainly for the benefit of the deity.

28. However, when the petitioner and his ancestors claim to be the poojari of the temple and performing poojas, parallelly it is claimed that they are also the hereditary trustees of the temple. It is to be pointed out that trustee is a dominant position and it is only the trustee, who appoint the poojari, who are servants of the deity. Further, the duty of the trustee is to administer the affairs of the temple in accordance with terms of the trust or the usage of the institution, would control the appointment of the Archaka to be made by him under the amended Section 55 of the HR & CE Act and, therefore, the trustee and poojari cannot be one and the same person, as the trustee, being of a dominant position, cannot appoint himself as poojari of the temple, as such use of powers would be nothing but misuse and abdication of the position entrusted with the trustee. Therefore, the claim of the petitioner that the petitioner and his ancestors are holding the whip as trustee and also unleashing it as poojari cannot be countenanced, as it would be against the framework of the HR & CE Act and also the ratio laid down in *Seshammal case (supra)*. Therefore, the claim made



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by the petitioner for continuance as trustee in the dominating role and poojari in the submissive role cannot be permitted.

29. Now the only issue that remains consideration of this Court is as to the character of the inam lands. Ryotwari patta is granted upon determination of lands in respect of which any person is entitled to ryotwari patta. Section 11 of the Act, 1963, spells out the manner in which ryotwari patta is to be granted and for better understanding, the same is quoted hereunder :-

“11. Determination of lands in respect of which any person is entitled to ryotwari patta.

(1) The Assistant Settlement Officer shall, subject to the provisions of sub-section (2), inquire into the claims of any person for a ryotwari patta under this Act in respect of any inam land and decide in respect of which land the claim should be allowed.

(2)(a) Before holding the enquiry under sub-section (1), the Assistant Settlement Officer shall give notice in the prescribed manner to the inamdar and to the Tahsildar of the taluk or Deputy Tahsildar of the sub-taluk the inam land is situated; and

(i) if the person in occupation of the land is not the inamdar, to the occupant;

(ii) if the inam has been granted for the benefit of a Hindu religious institution or for service therein, to the Commissioner



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appointed under the [Tamil Nadu] Hindu Religious and Charitable Endowments Act, 1959 [Tamil Nadu Act 22 of 1958], or to an officer specified by the said Board in this behalf.

(iii) if the inam is a wakf within the meaning of the [Wakf Act, 1954 (Central Act XXIX of 1954)] (Central Act 43 of 1995), to the Board of Wakfs constituted under the Act, or to an officer specified by the said Board in this behalf;

(iv) [to such other persons as may be specified in the rules made by the Government in this behalf.]

(b) The Assistant Settlement Officer shall also publish in the prescribed manner in the village the notice referred to in clause (a) and after giving the parties who appear before him an opportunity to be heard and to adduce their evidence, give his decision.

(3) Against a decision of the Assistant Settlement Officer under sub-section (2), the Government may, within one year from the date of the decision, and any person aggrieved by such decision may, within three months of the said date, appeal to the Tribunal:

Provided that the Tribunal may, in its discretion, allow further time not exceeding two months for the filing of any such appeal:

Provided further that the Tribunal may, in its discretion, entertain an appeal by the Government at any time if it appears to the Tribunal that the decision of the Assistant Settlement Officer was vitiated by fraud or by mistake of fact."



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30. Clause (i) of sub-section (2)(a) of Section 11 relates to grant of ryotwari patta in respect of land, which is in occupation of a person, who is not an inamdar and clause (ii) of sub-section (2)(a) of Section 11 relates to grant of ryotwari patta for the benefit of a Hindu religious institution or for service therein, which would be to the Commissioner appointed therein or to the officer specified by the Commissioner. From the above, there are two distinct entities, viz., one in which the inam is granted to the occupant and the other is to the Hindu religious charitable institution or for the service therein.

31. In the present case, the petitioner and his ancestors are not the occupants of the land and, therefore, clause (i) of sub-section (2)(a) of Section 11 does not stand attracted. In this backdrop, the applicability of clause (ii) and whether the inam has been granted to the Hindu religious institution or for service therein has to be elicited, which could be referable to the ryotwari patta, which has been granted. Therefore, for better appreciation, the ryotwari patta dated 26.7.1968, which has been granted in respect of the lands in issue, requires to be adverted to, which is extracted hereunder :-

“The lands mentioned in the schedule given below situated in Periavalavadi village and comprised in T.D.No.14 156 are devadayam minor inam lands. These lands were granted as



manibam for the maintenance of Varadarajaperumal Temple at Periavalavadi village. The inam tenure of these lands stands abolished consequent on the publication of the Madras Minor Inam (Abolition and Conversion into Ryotwari) Act 1963. K.V.Venkataranana Iyer and others have preferred their claims for the grant of ryotwari patta in respect of these lands. Enquiry was fax conducted under section 11 of the Madras Minor Inam (Abolition and Conversion into Ryotwari) Act 1963, after due publication and service of notices in the prescribed manner as required by the rules.

2. Venkataramana Iyer was examined as P.W.1. He deposed that the lands mentioned in the schedule below were granted as manibam to Veradarajaperumal Temple, that he and co-sharers V.K. Ramanuja Iyer, Sundaram, Savithri are hereditary trustees and poosaris of the temple, that they are in possession of the said lands and managing the temple hereditarily and that ryotwari patta may be granted in the name of the temple nominating them as trustees-cum-poosaris. The Karnam of the village was examined as C.W.1. He supported the version of P.W.1 and deposed that the temple is in good condition in Periavulavadi village. R.Rangasamy, Settlement Inspector was examined as C.W.1. He filed the extract of Huzur Inam Register pertaining to T.D.No.156 (Ex.C.1).

3. It is seen from the entries in the extract of Huzur Inam Register pertaining T.D.No.156 (Ex:01) that these lands were granted as manibam to Varadarajaperumal Temple at Periavalavadi. Therefore, the kudivaram right vests in the



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temple. P.W.1 has no objection for the grant of ryotwari patta in the name of the temple. No objections were received. No portion of the lands in question has been set apart for the common use of the villagers. I, therefore, allow ryotwari patta in respect of the lands mentioned in the schedule given below to the religious institution mentioned therein under section 8(2)(11) read with section 11 of the Madras Minor Inam (Abolition and Conversion into Ryotwari) Act, 1963.

32. From the above, it is evident that the inam lands were devadayam lands and the lands were granted as manibam for maintenance of the temple. The ancestor of the petitioner, who was examined as P.W.1, had stated that he along with other co-shares are in possession of the said lands and managing the temple and that ryotwari patta may be granted in favour of the temple. The Karnam, who was examined as C.W.1 has also supported the version of P.W.1. Based on the said deposition and that the lands having been granted as manibam to the temple and that kudivaram rights vests in the temple, ryotwari patta was granted in favour of the temple.

33. The aforesaid fact clearly establishes that the lands are given as maniyam only to the temple and not to any individual. In fact, there is no service rights as claimed by the petitioner to the poojari, as the patta had only been



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granted in the name of the temple and not in the name of the poojari and, therefore, the said inam is not a service inam as defined u/s 21 of Act, 1963.

Therefore, no right over the said lands could be claimed by the petitioner or his ancestors as the lands are strictly for the use of the temple alone and not to any individual in respect of any service rendered by the individual to the deity.

34. In this background, reference could be had to Section 11 (2)(a)(ii) of Act, 1963, which deals with lands in respect of which any person is entitled to ryotwari patta. In clause (ii) of sub-section (2)(a) therein, there is a clear mandate that where the inam has been granted for the benefit of a Hindu religious institution or for service therein, the ryotwari patta is to be given in the name of the Commissioner or any officer specified by the Commissioner as appointed under the HR & CE Act. Therefore, for all purposes, the patta granted to the temple could be held only to be patta granted in favour of the Commissioner or the officer appointed by the Commissioner, so long as it is not a service inam.

35. In the present case, this Court has already held that there is no service inam as could be evidenced through the materials as even according to the petitioner, the petitioner as well as his ancestors were acting as hereditary



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trustees of the temple and such being the case, they being in a higher denomination, cannot act as poojari of the temple as the trustee is entrusted with the power of appointing the poojari and, therefore, the trustee himself cannot perform the duties of poojari and, therefore, the trustees would not be entitled for service inam, which could only be granted to the poojari.

36. It is to be pointed out that that in their explanation to the 2nd respondent, the petitioner had claimed the said lands to be service maniyam, which has been granted to his ancestors and that they have been enjoying the said lands. However, the ryotwari patta dated 26.7.1968 gives a different indicator that the said lands have been granted for the benefit of the temple, which has been recorded on the basis of the deposition of P.W.1 and C.W.1 of which P.W.1 is the ancestor of the petitioner and such being the case, the claim of the petitioner that the lands were granted as service inam is wholly misconceived and erroneous and the same does not merit acceptance.

37. The decision of the Division Bench of this Court in ***Palaniappa Pandaram & Ors. – Vs – Special Commissioner & Commissioner Land***



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Administration & Ors. (1996 (1) CTC 217 (DB)), would be of relevance to the present case, wherein, it has been held thus :-

“4. Heard the learned Counsel on either side. The order of the learned single Judge is as well merited one not warranting any interference. As noticed by the learned single Judge, the statutory Authority has issued a ryotwari patta under a special enactment in favour of the deity. The nature of the grant which has been confirmed also is in favour of the temple. The proceedings by which the patta was issued in favour of the deity was subject to a statutory right of appeal before the concerned Sub Court constituted as a tribunal and thereafter a further appeal to a Division Bench of this Court and subject to such remedies as noticed above, the order granting patta is rendered final under the statute. Of course, this Court as well as the Apex Court have declared the position that even thereafter, the parties are at liberty to vindicate their respective claims before a civil court, if they so desire. So far as the facts on hand before us are concerned, the order granting patta in 1969 in favour of the deity remains in full force and effect and has not been also challenged. If that be the position, it was most improper on the part of the appellants who claim to be pujaris/service holders and also on the part of the Tahsildar, to order for the transfer of patta in favour of the appellants relying upon a provision which in our view, is totally irrelevant. Section 21 of the Act has relevance only to service inams and the grant, of the patta in the name of the deity and for the support of the Pagoda cannot be said to be a service



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inam. If the inam is really a service inam, Patta would have been granted only in favour of the service holders subject to the condition of performance of the service. It is only in such cases, there is scope for having recourse to Section 21 and not a case like the one concerned before us."

(Emphasis Supplied)

38. In the present case, if really the inam was a service inam, then patta would have been granted in favour of the individual, but herein, the ryotwari patta has been granted in favour of the deity/temple. Further, even before the Settlement Tahsildar during grant of ryotwari patta, it is not the case of the petitioner or his ancestors that they were doing service to the deity. It has been the deposition of P.W.1 that they are the hereditary trustees of the temple and such being the case, the question of the petitioner or his ancestors holding service inam does not arise, as they are not in the position of rendering service; rather they are holding the higher denomination of trustees, who have the power to appoint poojaris to do service.

39. Therefore, once it is held that the petitioner and his ancestors have been the hereditary trustees of the temple, they would not be entitled to any ryotwari patta as they were not the person in occupation of the said lands.



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Further, the lands have been granted as inam for the benefit of the temple, which has been admitted by the petitioner before the Settlement Tahsildar and, therefore, ryotwari patta could only be granted in favour of the Commissioner or the officer authorised by the Commissioner u/s 11 (2)(a)(ii) of Act, 1963. In such circumstances, the 2nd respondent had rightly called upon the petitioner to change the patta in the name of the temple, as the inam was granted to the temple and not to the individual. In such view of the matter, the order of the 2nd respondent directing the change of patta in the name of the temple cannot be said to be erroneous and, in fact, it is the duty of the 2nd respondent to put the lands to best use for the purpose for realising the benefits for the deity.

40. For the reasons aforesaid, the order of the 2nd respondent, impugned herein requires no interference at the hands of this Court. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

18.03.2026

Index : Yes / No

GLN



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To

1. The Commissioner
Hindu Religious & Charitable Endowments Dept.
119, Uthamar Gandhi Salai
Nungambakkam, Chennai – 34.
2. Joint Commissioner
Hindu Religious & Charitable Endowments Dept.
Tirupur.
3. Inspector
Hindu Religious & Charitable Endowments Dept.
Palladam.



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M.DHANDAPANI, J.

GLN

**PRE-DELIVERY ORDER IN
W.P. NO. 14318 OF 2023**

**Pronounced on
18.03.2026**